

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - November 18, 1970

Appeals No. 10578-79 Ruben J. Marks, et al, appellants.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of November 24, 1970.

EFFECTIVE DATE OF ORDER - December 8, 1970

ORDERED:

That the appeal for permission to establish a gasoline service station at 1824 and 1904-12 Rhode Island Avenue, N.E., lots 2-4, 802, 803 and 824, Square 4208 be granted conditionally.

FINDINGS OF FACT:

1. The subject property, except as hereafter described, is located entirely within a C-1 zoning district.
2. The property is located at the apex of a triangle between Rhode Island Avenue and Irving Street, N.E., which property is now improved by a drive-in restaurant-delicatessen and two detached single-family houses, one of which is condemned.
3. Applicants propose to construct a gasoline service station of Colonial design with landscaping and screening as shown on Exhibit No. 24.
4. Applicants calculate that the proposed service station will produce little or no increase in vehicular traffic over the existing drive-in restaurant-delicatessen which has existed on the property since approximately 1949.
5. The proposed service station calls for two pump islands with three accessways to Rhode Island Avenue and two on Irving St. The station will have three bays and will have principal access from Rhode Island Avenue.

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6. The Department of Highways and Traffic offers no objection to the granting of this appeal.

7. At the request of the Board at public hearing, applicants made a further detailed investigation of the location of the zoning boundary line between the C-1 zoning district and the R-5-A zoning district on Irving Street. Applicants, by letter dated November 23, 1970, submitted the results of their investigation to the Board indicating that the zoning boundary line on the Baist Atlas contained in the Office of the Zoning Commission was located between lot 824 and lot 825, which would establish that the entire property proposed for the service station is located in the C-1 zoning district. However, as indicated on the maps contained in the Zoning Regulations, lot 824 would be split-zoned in accordance with the expressed measurement of the boundary line from the apex of the triangle.

8. The owners of lot 824 have always understood that said lot is zoned C-1. The Real Estate Tax Assessor designates the property as being C-1, and two zoning applications (No. 63-14 and No. 65-27) requested changes in zoning from the assumed C-1 zone to C-2 for all of lot 824. Applicants submit that in computing the express measurement on the Zoning Map in the Zoning Regulations the 7-foot Irving Street frontage of lot 4 was omitted and request that this Board interpret the demarcation between C-1 and R-5-A as being on the western boundary line of lot 824.

9. The Board finds that the zoning boundary line between the C-1 zoning district and the R-5-A District is located on the western property line of lot 824. Additionally, the Board has jurisdiction to extend the C-1 District pursuant to Section 7514.12 to said western boundary line. No change in plans from those submitted at public hearing is required.

10. The resident-owner of lot 825 appeared at public hearing and objected to the placement of a wall on the western property line of lot 824. Applicants' landscape plan (Exhibit No. 24) calls for a 25-foot landscaped area between the western boundary line of lot 824 and the service station use with no design or retaining wall on the Irving Street portion of the site.

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11. The Landscape Division of the Department of Highways and Traffic has approved the landscape plan submitted.

12. Applicants requested permission to conduct brake relining and muffler installation within the service bays as accessory uses.

13. Letters in support of this application, including an adjacent property owner, were submitted at public hearing.

OPINION:

We are of the opinion that the establishment of this gasoline service station at this location will not create dangerous and other objectionable traffic conditions and that the station will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring and adjoining properties. We are of the opinion that the accessory uses of brake relining and muffler installation, so long as they are conducted within the service bays are appropriate.

CONDITIONS:

This Order will be subject to the following conditions:

1. Any lighting used to illuminate the gasoline service station shall be so arranged that all direct rays of light are confined to the area of the site.

2. No vehicular entrance or exit to the service station and no part of the service station itself shall be within 25 feet of a residential district.

3. No entrance or exit drive walls shall be closer than 25 feet to a street intersection as measured from the intersection of the curb lines extended.

4. All grease pits or hoists hereafter constructed or established as part of the gasoline service station shall be within a building.

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5. The coping shall be located on the property line and the inside driveway radii shall not be located within the sidewalk area.

6. Permit shall not issue until all conditions of this Order are met and complied with and further, the Board reserves the right to direct revocation of permit upon proper showing that any terms or conditions of this Order have been violated.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: _____


PATRICK E. KELLY
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - January 13, 1971

Appeal No. 10578-79 Ruben J. Marks, et al, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of January 19, 1971.

ORDERED:

That the request for a rehearing and/or reconsideration of this appeal to establish a gasoline service station at 1824 and 1904-12 Rhode Island Avenue, N.E., lots 2-4, 802, 803 and 824, Square 4208 be denied.

OPINION:

We are of the opinion that this request for a rehearing and/or reconsideration of the subject appeal should be denied in that there is not, as required by Section 8204 of the Zoning Regulations, any showing that new evidence would be produced at a rehearing that could not reasonably have been presented at the original hearing. There was also no showing that there would be new evidence that was not presented at the original hearing.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: _____



PATRICK E. KELLY
Secretary of the Board